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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Lester D. Nelson

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FLIESLER MEYER LLP  
650 CALIFORNIA STREET  
14TH FLOOR  
SAN FRANCISCO, CA 94108

EXAMINER

HASHEM, LISA

ART UNIT

PAPER NUMBER

2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/024,982	<b>Applicant(s)</b> NELSON ET AL.	
	<b>Examiner</b> LISA HASHEM	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **FINAL DETAILED ACTION**

1. Applicant's arguments filed 3-5-08 have been fully considered but they are not persuasive.

Applicant argues that the 103(a) rejection of Herzig in view of Swartz do not disclose '...providing an audible utterance over a second channel while communicating over another channel and being capable of receiving an audible input over the channel...' in the non-final action filed on 12-12-07. Examiner disagrees. Herzig teaches a communication device providing communications over a single channel. Herzig discloses the claimed system except Herzig discloses a communication device that supports a single communication channel rather than a plurality of communication channels. However, the claimed feature of a plurality of input channels and communicating concurrently on two channels was old and well known in the art. Swartz clearly teaches such concept.

Swartz discloses a phone that can provide a plurality of input channels (i.e. eight channels) and a user can communicate over a first channel and an incoming second channel while placing the first channel on hold, the user can receive and send verbal communications on the second channel.

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Herzig to include a plurality of input channels and communicating concurrently on two channels as taught by Swartz. One of ordinary skill in the art would have been lead to make such a modification of Herzig to provide a processing device coupled with a scanning device that can communicate over a plurality of channels, such as the phone of Swartz, to the communication device of Herzig so a user of Herzig can communicating

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concurrently on two channels and the user can utilize silent input to select one of the plurality of channels in order to provide an audible utterance on the selected channel and receive an audible input over the channel.

The 35 U.S.C. 112 rejection noted below was cited in the non-final office action filed on 12-12-07 and was not addressed in Applicant's remarks filed on 3-5-08.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 recites the limitation "receiving an audible input over the channel". There is insufficient antecedent basis for this limitation in the claim. It is unclear if 'the channel' refers to 'at least one of the plurality of input channels associated with the second code' or 'another channel' cited in the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,594,503 by Herzig et al, hereinafter Herzig, in view of U.S. Pat. No. 6,330,244 by Swartz et al, hereinafter Swartz.

Regarding claim 19, Herzig discloses a system, comprising:

- (a) a plurality of phone numbers (i.e. called parties) and an input channel (i.e. setting up an

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outgoing call to a called party; Fig. 1, 109; col. 2, lines 7-11);

(b) a processing device (Fig. 2: 100, 130) for storing (i.e. in memory; Fig. 2, 135) an internal representation of a phrase element (i.e. keywords or phrases or identification) which can be predefined, recorded as needed, or synthetically generated on demand (i.e. recognized) (col. 2, line 65 - col. 3, line 18); and,

(c) a scanning device (Fig. 1, 120), coupled with the processing device, for reading a first code (Fig. 1, 102; i.e. scanning in the word or identifier 'hotel') associated with the phrase element (i.e. hotel) (col. 2, line 65 – col. 3, line 18) and for reading a second code (Fig. 1, 102; i.e. scanning in the word or identifier 'Wiesbaden') associated with at least one of the plurality of phone numbers and the input channel (i.e. contacting a tourist information service center in Wiesbaden) (col. 2, lines 54-64), wherein the processing device initiates to provide an audible utterance only over the channel associated with said second code and being capable of receiving an audible input over the channel (i.e. allowing a user to verbally communicate with an assistant or dialed party over the channel).

Herzig discloses a scanning device scanning in two words or codes to set up a call on a single communication channel to a Tourist Information Service Center in Wiesbaden for assistance in finding a hotel. However, Herzig does not disclose a plurality of input channels and communicating concurrently on two channels.

Swartz discloses a system, comprising:

(a) a plurality of input channels (i.e. eight channels available for communicating with eight different phones; a user is able to switch between two calls; col. 14, line 32 - col. 15, line 3);

(b) a scanning device (Fig. 9B, 825; col. 15, line 65 – col. 16, line 6; col. 16, lines 49-55),

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coupled with a processing device (Fig. 9A, 800; Fig. 9B, 800), wherein the processing device initiates to provide an audible utterance only over at least one of the plurality of input channels (i.e. a second call) while communicating over another channel (i.e. a first call is put on hold) and being capable of receiving an audible input over the channel (i.e. the second call) (col. 14, line 32 - col. 15, line 3) (i.e. verbally communicating on the second call while the first call is on hold simultaneously).

Again, Herzig discloses the claimed system except Herzig discloses a communication device that supports a single communication channel rather than a plurality of communication channels. However, the claimed feature of a plurality of input channels and communicating concurrently on two channels was old and well known in the art. Swartz clearly teaches such concept.

Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Herzig to include a plurality of input channels and communicating concurrently on two channels as taught by Swartz. One of ordinary skill in the art would have been lead to make such a modification of Herzig to provide a processing device coupled with a scanning device that can communicate over a plurality of channels, such as the phone of Swartz, to the communication device of Herzig so a user of Herzig can communicate concurrently on two channels. Further, the user can utilize silent input to select one of the plurality of channels in order to provide an audible utterance on the selected channel and the user can receive an audible input over the channel.

Regarding claim 20, the system of claim 19, wherein Herzig in view of Swartz discloses the processing device includes: a channel selection device (Swartz: col. 14, lines 32-55), for selecting at least one of the plurality of input channels responsive to said second code.

Regarding claim 21, the system of claim 19, wherein Herzig in view of Swartz discloses the scanning device is a barcode scanner (Swartz: col. 15, line 65 – col. 16, line 6; col. 16, lines 49-55).

Regarding claim 22, the system of claim 19, wherein Herzig in view of Swartz discloses the scanning device is a laser scanner (Herzig: Fig. 2, 120; col. 2, lines 46-57).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

8. Any response to this action should be mailed to:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)

**Or call:**

(571) 272-2600 (for customer service assistance)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.



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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/  
Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/  
Examiner, Art Unit 2614  
July 3, 2008